

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY (CAMDEN)

TONYA WILLIAMS,
Plaintiff,
-vs.-

TRELLIS COMPANY d/b/a
WAYPOINT RESOURCE GROUP, LLC,
a foreign limited liability company,
Defendant.

COMPLAINT AND JURY DEMAND

**NOW COMES THE PLAINTIFF, TONYA WILLIAMS, THROUGH
COUNSEL, DANIEL ZEMEL, and for her Complaint against the Defendant,**
pleads as follows:

JURISDICTION

1. This is an action for damages, brought against a debt collector for violating the Fair Debt Collection Practices Act at 15 U.S.C. § 1692 et seq. ("FDCPA").

VENUE

2. The transactions and occurrences which give rise to the action occurred in the Borough of Lawnside, Camden County, New Jersey.
3. Venue is proper in the District of New Jersey.

PARTIES

4. Plaintiff is a natural person residing in the Borough of Lawnside, Camden County, New Jersey.
5. The Defendant to this lawsuit is Trellis Company d/b/a Waypoint Resource Group, LLC, which is a foreign limited liability company that conducts business in the State of New Jersey.

GENERAL ALLEGATIONS

6. Defendant is attempting to collect a consumer type debt in the amount of \$279.00 allegedly owed by Plaintiff to Comcast Communications, LLC (“the Alleged Debt”).
7. On January 15, 2020, Plaintiff obtained her Equifax and Trans Union credit disclosures and noticed Defendant reporting the Alleged Debt.
8. On or about February 7, 2020, Plaintiff submitted a letter to Defendant disputing the Alleged Debt.

9. On February 11, 2020, a prospective lender, Brandon Automotive, obtained Plaintiff's Trans Union credit file.
10. On March 3, 2020, Plaintiff obtained her Equifax and Trans Union credit disclosures which showed Defendant last reported the tradeline reflected by the Alleged Debt to Equifax and Trans Union on February 24, 2020 and failed or refused to flag the tradeline as disputed, in violation of the FDCPA.
11. In the credit reporting industry, data furnishers, such as the Defendant, communicate electronically with the credit bureaus.
12. Defendant had more than ample time to instruct Equifax and Trans Union to flag its trade line as Disputed.
13. Defendant's inaction to have its trade line on Plaintiff's credit reports flagged as disputed was either negligent or willful.
14. Plaintiff suffered pecuniary and emotional damages as a result of Defendant's actions. Her credit report continues to be damaged due to the Defendant's failure to properly report the associated trade line.

**COUNT I – VIOLATION OF THE FAIR DEBT COLLECTION
PRACTICES ACT**

15. Plaintiff reincorporates the preceding allegations by reference.

16. At all relevant times Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

17. Plaintiff is a "consumer" for purposes of the FDCPA and the account at issue in this case is a consumer debt.

18. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).

19. Defendant's foregoing acts in attempting to collect this alleged debt violated the following provisions of the FDCPA:

- a. 15 U.S.C. §1692e by reporting credit information which is known to be false, including failure to communicate that a disputed debt is disputed.

20. To date, and as a direct and proximate cause of the Defendant's failure to honor its statutory obligations under the FDCPA, the Plaintiff has continued to suffer from a degraded credit report and credit score. Defendant has willfully continued to report false information on the Plaintiff's credit report.

21. Plaintiff has suffered economic, emotional, general and statutory damages as a result of these violations of the FDCPA.

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT grant her damages plus costs, interest and attorneys' fees as provided by the Fair Debt Collection Practices Act.

DEMAND FOR JUDGMENT RELIEF

Accordingly, Plaintiff requests that the Court grant her the following relief against the Defendant:

- a. Actual damages;
- b. Statutory damages and
- c. Statutory costs and attorneys' fees.

JURY DEMAND

Plaintiff hereby demands a trial by Jury.

Respectfully submitted.

May 27, 2020

/s/ **Daniel Zemel**
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